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PATENT
(Docket No. 591-99-023)
6/1/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

James M. KUBIK et al

Serial No.: 09/435,570

Filed: November 8, 1999

For: NON-METALLIC, SNAP
TOGETHER SUBASSEMBLY OF
INTERNAL DOUBLE CHECK
VALVE

Group Art Unit: 3753

Examiner: G. Walton

I hereby certify that the attached
correspondence is being deposited with the
United States Postal Service as first class
mail in an envelope addressed to Assistant
Commissioner for Patents, Washington, D.C.
20231, on May 18, 2001.

Mary Ellen Donovan
Mary Ellen Donovan

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REPLY UNDER 37 CFR § 1.111

Hon. Commissioner of Patents and Trademarks
Washington, D.C.

Sir:

This is Applicants' response to the Office Action
mailed January 24, 2001. A petition under 37 CFR § 1.136(a) and
fee for a one-month extension of time are submitted herewith.

The Office Action rejects claims 1-2 under 35 U.S.C. §
102(b) as anticipated by Klimek. This rejection is respectfully
traversed.

Applicants' claim 1 specifies valve housing having a
bore, a valve member in the bore having a first portion and a
second portion forming an interference fit with each other, and,
interposed between the first and second portions, a check valve
assembly comprising a biasing member, a follower, and a check
valve member, with the three components of the check valve

assembly maintained in an assembled state within the first and second portions of the valve member. The Office Action asserts that each element of Applicants' claim 1 is found in the Klimek reference. Applicants respectfully disagree.

The Office Action first states that Applicants' first portion reads on Klimek's piston retainer 84 and that Applicants' second portion reads on Klimek's lower piston portion 78. Applicants point out that Klimek cannot have an interference fit between the piston retainer 84 and the lower piston portion 78 because the lower piston portion 78 must be free to move within the piston retainer 84 in order for the piston to move as required when pressure builds up or decreases at emergency outlet 18 (see col. 3, line 60 - col. 4, line 13. Accordingly, Applicants claimed first and second portion having an interference fit cannot read on Klimek's piston retainer 84 and lower piston portion 78.

Moreover, even if one were to accept, for the sake of argument, the Office Action's assertions regarding Klimek's piston retainer 84 and lower piston portion 78, Klimek does not disclose a three-component check valve assembly interposed between and maintained in an assembled state within the first and second portions of the valve member. The Office Action argues that that Applicants' follower reads on Klimek's ring 96 and that Applicants' check valve member reads on Klimek's seal 76 and lower piston portion 78. Applicants note that the Office Action is completely silent with regard to the biasing member. Also, the Office Action seems to be arguing that Klimek's lower piston portion 78 counts *both* as Applicants' second portion of

the valve member and as the check valve member, which would mean that in order to meet the interposition requirement of Applicants' claim 1, the lower piston portion 78 would somehow have to be interposed between itself and the piston retainer 84. Such a configuration is of course physically impossible.

More importantly, however, Applicants' claims require that the biasing member, follower, and check valve member are maintained in assembled state *within* the first and second portions. Klimek's ring 96 and spring 94 (assuming that the Examiner tries to assert that Applicants' biasing member reads on Klimek's spring 94) are mounted on the *outside* of the alleged first and second members piston retainer 84 and lower piston portion 78 (see col. 3, lines 3-5). It is thus quite clear that Klimek simply does not disclose a three-component check valve assembly maintained in an assembled state within first and second portions of a valve member as required by Applicants' claims. Applicants therefore respectfully request that the 35 U.S.C. § 102 rejection of claims 1 and 2 be withdrawn.

The Office Action rejects claims 3-11 under 35 U.S.C. § 103 as unpatentable over Klimek in view of Iannelli. This rejection is respectfully traversed.

With respect to claims 3-5, Applicants point out that as these claims dependent on claim 1, which is shown above to be patentable, these claims are patentable as well.


With respect to claims 6-8, the arguments made above with respect to claim 1 apply equally as well to claims 6-8. The Klimek reference does not disclose a valve assembly having first and second portions that form an interference fit with

each other, nor does it disclose a three-component check valve assembly disposed *within* the first and second portions of the valve assembly. The secondary reference of Iannelli does nothing to remedy the shortcomings of Klimek as a prior art reference, as it is cited only to show non-metallic valve components.

With respect to claims 9-11, neither Klimek nor Iannelli disclose or suggest the method of assembling a proportioning valve assembly where a check valve assembly is encased between frictionally engaged first and second valve member portions first and second valve member portions so that the entire sub-assembly can be inserted into the valve housing. If the Examiner intends to maintain the rejection of these claims, Applicants respectfully request the Examiner to provide specific references as to where a teaching of the claimed method steps can be found in the cited references.

For all the reasons above, Applicants respectfully submit that the claims are properly patentable over the cited references. As the application appears to be in condition for allowance otherwise, Applicants request early action toward that end.

Respectfully submitted,


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